

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 17-5225

Docketed: 10/04/2017
Termed: 12/18/2018

Nature of Suit: 2895 Freedom of Information Act of 1974

Electronic Privacy Informatio v. IRS

Appeal From: United States District Court for the District of Columbia

Fee Status: Fee Paid

Case Type Information:

- 1) Civil US
- 2) United States
- 3)

Originating Court Information:

District: 0090-1 : [1:17-cv-00670-JEB](#)

Lead: [1:17-cv-00670-JEB](#)

Trial Judge: James E. Boasberg, U.S. District Judge

Date Filed: 04/15/2017

Date Order/Judgment:

Date NOA Filed:

08/18/2017

09/29/2017

Prior Cases:

None

Current Cases:

None

Panel Assignment:

Panel: KLH PAM HTE

Date of Hearing: 09/13/2018

Date of Decision: 12/18/2018

Date Completed: 12/18/2018

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Plaintiff - Appellant

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v.

Internal Revenue Service
Defendant - Appellee

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Electronic Privacy Information Center,















Plaintiff - Appellant





v.

Internal Revenue Service,

Defendant - Appellee

10/04/2017		US CIVIL CASE docketed. [17-5225] [Entered: 10/04/2017 02:48 PM]
10/04/2017	 26 pg, 337.35 KB	NOTICE OF APPEAL [1696901] seeking review of a decision by the U.S. District Court in 1:17-cv-00670-JEB filed by Electronic Privacy Information Center. Appeal assigned USCA Case Number: 17-5225. [17-5225] [Entered: 10/04/2017 02:49 PM]
10/04/2017	 2 pg, 45.51 KB	CLERK'S ORDER [1696905] filed directing party to file initial submissions: APPELLANT docketing statement due 11/03/2017. APPELLANT certificate as to parties due 11/03/2017. APPELLANT statement of issues due 11/03/2017. APPELLANT underlying decision due 11/03/2017. APPELLANT deferred appendix statement due 11/03/2017. APPELLANT notice of appearance due 11/03/2017. APPELLANT transcript status report due 11/03/2017. APPELLANT procedural motions due 11/03/2017. APPELLANT dispositive motions due 11/20/2017; directing party to file initial submissions: APPELLEE certificate as to parties due 11/03/2017. APPELLEE entry of appearance due 11/03/2017. APPELLEE procedural motions due 11/03/2017. APPELLEE dispositive motions due 11/20/2017 [17-5225] [Entered: 10/04/2017 02:50 PM]
10/06/2017	 2 pg, 1.16 MB	ENTRY OF APPEARANCE [1697587] filed by Richard Caldarone on behalf of Appellee IRS. [17-5225] (Caldarone, Richard) [Entered: 10/06/2017 01:48 PM]
10/06/2017	 23 pg, 348.39 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1697595] filed by IRS [Service Date: 10/06/2017] [17-5225] (Caldarone, Richard) [Entered: 10/06/2017 02:20 PM]
10/30/2017	 2 pg, 141.41 KB	DOCKETING STATEMENT [1702109] filed by Electronic Privacy Information Center [Service Date: 10/30/2017] [17-5225] (Rotenberg, Marc) [Entered: 10/30/2017 04:48 PM]
10/30/2017	 3 pg, 75.21 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1702110] filed by Electronic Privacy Information Center [Service Date: 10/30/2017] [17-5225] (Rotenberg, Marc) [Entered: 10/30/2017 04:48 PM]
10/30/2017	 3 pg, 68.92 KB	STATEMENT OF ISSUES [1702112] filed by Electronic Privacy Information Center [Service Date: 10/30/2017] [17-5225] (Rotenberg, Marc) [Entered: 10/30/2017 04:50 PM]
10/30/2017	 21 pg, 336.52 KB	UNDERLYING DECISION IN CASE [1702113] submitted by Electronic Privacy Information Center [Service Date: 10/30/2017] [17-5225] (Rotenberg, Marc) [Entered: 10/30/2017 04:51 PM]
10/30/2017	 2 pg, 57.77 KB	STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL [1702114] filed by Electronic Privacy Information Center [Service Date: 10/30/2017] Intent: AppxNotDeferred [17-5225] (Rotenberg, Marc) [Entered: 10/30/2017 04:52 PM]
10/30/2017	 2 pg, 118.55 KB	ENTRY OF APPEARANCE [1702116] filed by Marc Rotenberg and co-counsel Alan Butler on behalf of Appellant Electronic Privacy Information Center. [17-5225] (Rotenberg, Marc) [Entered: 10/30/2017 04:53 PM]
10/30/2017	 2 pg, 100.77 KB	TRANSCRIPT STATUS REPORT [1702118] filed by Electronic Privacy Information Center [Service Date: 10/30/2017]. Status of Transcripts: Final - No transcripts are needed for the appeal. [17-5225] (Rotenberg, Marc) [Entered: 10/30/2017 04:55 PM]
12/15/2017	 2 pg, 77.84 KB	CLERK'S ORDER [1709190] filed setting briefing schedule: APPELLANT Brief due 01/24/2018. APPENDIX due 01/24/2018. APPELLEE Brief due on 02/23/2018. APPELLANT Reply Brief due 03/09/2018 [17-5225] [Entered: 12/15/2017 05:43 PM]

01/03/2018	 2 pg, 118.62 KB	ENTRY OF APPEARANCE [1711316] filed by Geoffrey J. Klimas on behalf of Appellee IRS. [17-5225] (Klimas, Geoffrey) [Entered: 01/03/2018 02:42 PM]
01/08/2018	 9 pg, 80.21 KB	JOINT MOTION [1711938] to extend time to file brief to 02/21/2018 filed by IRS and Electronic Privacy Information Center (Service Date: 01/08/2018 by CM/ECF NDA) Length Certification: 642 words. [17-5225] (Klimas, Geoffrey) [Entered: 01/08/2018 03:30 PM]
01/10/2018	 1 pg, 39.32 KB	CLERK'S ORDER [1712407] filed granting the joint motion to amend the briefing schedule [1711938-2] , The following revised briefing schedule will now apply: APPELLANT Brief due 02/21/2018. APPENDIX due 02/21/2018. APPELLEE Brief due on 04/20/2018. APPELLANT Reply Brief due 05/04/2018 [17-5225] [Entered: 01/10/2018 03:40 PM]
02/21/2018	 195 pg, 17.85 MB	APPELLANT BRIEF [1718980] filed by Electronic Privacy Information Center [Service Date: 02/21/2018] Length of Brief: 12,120 words. [17-5225] (Rotenberg, Marc) [Entered: 02/21/2018 11:59 PM]
02/28/2018	 66 pg, 5.61 MB	JOINT APPENDIX [1719954] filed by Electronic Privacy Information Center. [Volumes: 1] [Service Date: 02/21/2018] [17-5225] (Rotenberg, Marc) [Entered: 02/28/2018 11:32 AM]
04/20/2018	 93 pg, 285.74 KB	APPELLEE BRIEF [1727399] filed by IRS [Service Date: 04/20/2018] Length of Brief: 12,578 words. [17-5225] (Klimas, Geoffrey) [Entered: 04/20/2018 09:22 AM]
04/20/2018	 2 pg, 100.45 KB	ENTRY OF APPEARANCE [1727475] filed by Geoffrey J. Klimas and co-counsel Gilbert S. Rothenberg on behalf of Appellee IRS. [17-5225] (Rothenberg, Gilbert) [Entered: 04/20/2018 01:01 PM]
04/20/2018	 2 pg, 100.19 KB	ENTRY OF APPEARANCE [1727477] filed by Geoffrey J. Klimas and co-counsel Thomas J. Clark on behalf of Appellee IRS. [17-5225] (Clark, Thomas) [Entered: 04/20/2018 01:04 PM]
05/04/2018	 35 pg, 252.72 KB	APPELLANT REPLY BRIEF [1729603] LODGED by Electronic Privacy Information Center [Service Date: 05/04/2018] Length of Brief: 6,480. [17-5225]--[Edited 05/08/2018 by LMF] (Rotenberg, Marc) [Entered: 05/04/2018 06:29 PM]
05/08/2018	 35 pg, 253.68 KB	CORRECTED APPELLANT REPLY BRIEF [1729988] filed by Electronic Privacy Information Center [Service Date: 05/08/2018] Length of Brief: 6,480 [17-5225]--[Edited 05/10/2018 by LMF] (Rotenberg, Marc) [Entered: 05/08/2018 04:44 PM]
06/15/2018	 1 pg, 41.22 KB	CLERK'S ORDER [1736204] filed scheduling oral argument on Thursday, 09/13/2018. [17-5225] [Entered: 06/15/2018 03:12 PM]
08/24/2018	 2 pg, 667.01 KB	ENTRY OF APPEARANCE [1747413] filed by Geoffrey J. Klimas and co-counsel Michael Murray on behalf of Appellee IRS. [17-5225] (Murray, Michael) [Entered: 08/24/2018 05:38 PM]
08/30/2018	 1 pg, 42.14 KB	PER CURIAM ORDER [1748287] filed allocating oral argument time as follows: Appellant - 10 Minutes, Appellee - 10 Minutes. One counsel per side to argue. Directing party to file Form 72 notice of arguing attorney by 09/06/2018. [17-5225] [Entered: 08/30/2018 03:42 PM]
09/04/2018	 3 pg, 162.62 KB	ENTRY OF APPEARANCE [1748667] filed by Marc Rotenberg and co-counsel Alan Butler, John L. Davisson on behalf of Appellant Electronic Privacy Information Center. [17-5225] (Davisson, John) [Entered: 09/04/2018 11:15 AM]

09/04/2018		FORM 72 submitted by arguing attorney, John L. Davisson, on behalf of Appellant Electronic Privacy Information Center (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [17-5225] (Davisson, John) [Entered: 09/04/2018 11:20 AM]
09/04/2018		FORM 72 submitted by arguing attorney, Michael Murray, on behalf of Appellee IRS (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [17-5225] (Murray, Michael) [Entered: 09/04/2018 03:30 PM]
09/13/2018	 1 pg, 39.6 KB	ORAL ARGUMENT HELD before Judges Henderson, Millett and Edwards. [17-5225] [Entered: 09/13/2018 05:01 PM]
09/17/2018		TRANSCRIPT [1751033] of oral argument [17-5225] [Entered: 09/17/2018 03:15 PM]
12/18/2018	 1 pg, 54.93 KB	PER CURIAM JUDGMENT [1764666] filed that the judgment of the District Court appealed from in this cause is hereby affirmed, for the reasons in the accompanying opinion . Before Judges: Henderson, Millett, and Edwards. [17-5225] [Entered: 12/18/2018 09:57 AM]
12/18/2018	 21 pg, 211.56 KB	OPINION [1764668] filed (Pages: 21) for the Court by Judge Henderson. [17-5225] [Entered: 12/18/2018 10:00 AM]
12/18/2018	 1 pg, 38.62 KB	CLERK'S ORDER [1764669] filed withholding issuance of the mandate. [17-5225] [Entered: 12/18/2018 10:02 AM]
